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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/979,591	11/16/2001	Udo Winter	WINTER ET AL-4(PCT)	2851

7590

02/21/2003

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EXAMINER

BRAHAN, THOMAS J

ART UNIT

PAPER NUMBER

3652

DATE MAILED: 02/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/979,591

Applicant(s)

WINTER et al

Examiner
Thomas J. Brahan

Art Unit
3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jan 16, 2003
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-34 is/are pending in the application.
- 4a) Of the above, claim(s) 26 and 28-32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23-25, 27, 33, and 34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☒ All b) ☐ Some* c) ☐ None of:

- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. _____.
- ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) ☐ The translation of the foreign language provisional application has been received.

- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
- ☐ Interview Summary (PTO-413) Paper No(s). _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other:

1. Claims 26 and 28-32 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected species and sub-species. Election was made without traverse in Paper No. 7.

2. The substitute specification filed with the amendment of January 16, 2003 has been entered.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

5. Claim 23 and 27 are rejected under 35 U.S.C. § 102(b) as being anticipated by Mantel.

6. Claim 24 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Mantel in view of Hornagold (cited by applicant). Mantel shows the basic claimed boom with a curved profile to lift over obstructions. It varies from claim 24 by not showing the bearing structures within the sliding sections. Hornagold shows a similar telescopic boom with bearings (17 and 19) at the top ends of the internal boom sections and bearings (16 and 18) at the bottom ends of the external booms. It would have been obvious

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to one of ordinary skill in the art to provide the telescopic boom of Mantel with a pad assemblies, to reduce frictional forces between the boom sections, as taught by Hornagold.

7. Claim 25 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Mantel in view of Kollmann et al. Mantel shows the basic claimed boom with a curved profile to lift over obstructions. It varies from claim 25 by not showing the means to extend the sliding sections. Kollmann et al shows a similar three section telescopic boom with a pair of hydraulic mechanism (15 and 16) one between each pair of adjacent boom sections. Each mechanism has three cylinders (19, 20, and 21) and common sliders (26 and 27) Kollmann et al uses three lightweight cylinders for each boom extension to reduce the weight of the boom, see the third paragraph of column 1. It would have been obvious to one of ordinary skill in the art to modify the telescopic boom of Mantel by using an extension system having three small cylinders linked by sliders arranged between each pair of the boom sections, to reduce the boom weight, as taught by Kollmann et al.


8. Claims 33 and 34 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Mantel in view of DE 3804557 (cited by applicant). Mantel shows the basic claimed boom with a curved profile to lift over obstructions. It varies from claims 33 and 34 by being used on a lift crane instead of a bin hauling vehicle. DE '557 shows a telescopic boom used with a bin hauling vehicle. It would have been obvious to one of ordinary skill in the art to use the curved telescopic boom of Mantel in other environments where a boom which can span obstacles would be desired, such as the telescopic boom of a bin hauling vehicle, as suggested and rendered obvious by DE '557. The arrangement of DE '557 has cylinders (43) in the cross beam for the traction elements which grip the sides of the bins, as recited in claim 34.

9. Applicant's remarks in the amendment filed January 16, 2003 have been considered, but are deemed moot in view of the above rejections. The amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action

is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. An inquiry concerning this action should be directed to Examiner Thomas J. Brahan at telephone number (703) 308-2568 on Mondays through Fridays from 9:30-7:00 EST. The examiner's supervisor, Ms. Eileen Lillis, can be reached at (703) 308-3248. The fax number for Technology Center 3600 is (703) 305-7687.

 2/16/03
THOMAS J. BRAHAN
PRIMARY EXAMINER